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fitzlaw@sedona.net
Attorney for Montezuma
Rimrock Water Company, LLC

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JAN 6 2012

DOCKETED BY

BEFORE THE ARIZONA CORPORATION COMMISSION

JOHN E. DOUGHERTY,

Complainant,

-vs-

MONTEZUMA RIMROCK WATER
COMPANY, LLC,

Respondent.

DOCKET NO. W-04254A-11-0323

MOTION TO WITHDRAW

Undersigned counsel for Montezuma Rimrock Water Company LLC seeks leave of court to withdraw in accordance with *Rule 5.1[a], Arizona Rules of Civil Procedure*. This motion is necessary because of the excessive and burdensome barrage of motions and discovery requests submitted by Intervener John Dougherty. Such requests and motions have resulted in significant time demands on undersigned counsel and into bills for legal services which are onerous to the water company.

Mr. Dougherty has known, from the inception of these proceedings, that the financial condition of the water company is tenuous. He has engaged in abusive and unprofessional gamesmanship, apparently in an attempt to run up attorney's fees for the water company which he knows it can ill afford.

1 This motion is supported by the written consent of the water company and is submitted
2 with a proposed form of order. This motion is further supported by the certification of counsel
3 required by ARCP 5.1[a][2][B]. The name, address and telephone number of counsel's client
4 are:

5 Montezuma Rimrock Water Company
6 PO Box 10
7 4615 E. Goldmine Road
8 Rimrock, AZ 86335
9 928-300-3291

10 WHEREFORE, undersigned counsel requests that he be given leave to withdraw.

11 DATED this 4th day of January, 2011.

12 LAW OFFICE OF DOUGLAS C. FITZPATRICK

13 By 
14 _____

15 Douglas C. Fitzpatrick
16 Attorney for Montezuma Rimrock Water Company LLC
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20 ORIGINAL and 13 copies
21 of the foregoing mailed this
22 4th day of January, 2012,
23 to:

24 Arizona Corporation Commission
25 Docket Control
26 1200 West Washington Street
27 Phoenix, Arizona 85007
28

29 COPY of the foregoing
30 mailed this day of 4th
31 January, 2011, to:

1 Darak R. Eaddy
2 Utilities Division
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, Arizona 85007

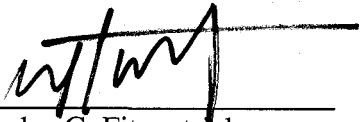
6 John Dougherty
7 PO Box 501
8 Rimrock, Arizona 86335

9 Patricia D. Olsen
10 Montezuma Rimrock Water
11 Company, LLC
12 PO Box 10
13 4615 E. Goldmine Road
14 Rimrock, Arizona 86335

15 Mrs. Janice M. Alward
16 Chief, Legal Division
17 Arizona Corporation Commission
18 Legal Division
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Mr. Steven M. Olea
22 Director, Utilities Division
23 Arizona Corporation Commission
24 Legal Division
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 Ms. Lyn Farmer
28 Chief, Hearing Division
Arizona Corporation Commission
Legal Division
1200 West Washington Street
Phoenix, Arizona 85007


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49 Bell Rock Plaza
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Attorney for Montezuma
Rimrock Water Company, LLC

BEFORE THE ARIZONA CORPORATION COMMISSION

JOHN E. DOUGHERTY,

Complainant,

-VS-

MONTEZUMA RIMROCK WATER
COMPANY, LLC,

Respondent.

DOCKET NO. W-04254A-11-0323

CERTIFICATE OF COUNSEL
IN SUPPORT OF MOTION
TO WITHDRAW

Undersigned counsel for Montezuma Rimrock Water Company LLC certifies as follows

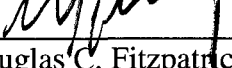
pursuant to *Rule 5.1[a][2][B]*, *Arizona Rules of Civil Procedure*: The water company has been notified in writing of the status of the case including the dates and times of any court hearings or trial settings, pending compliance with existing court orders and the possibility of sanctions.

///

1
2 The water company is aware of the procedural conference which has been set for January
3 18, 2012 at 10:00 A.M. In the event that an order has not been entered granting counsel's
4 motion to withdraw, he will be in attendance at the hearing.

5 DATED this 4th day of January, 2012.

6 LAW OFFICE OF DOUGLAS C. FITZPATRICK

7
8 BY 
9 Douglas C. Fitzpatrick
10 Attorney for applicant, Montezuma Rimrock
11 Water Company, LLC.

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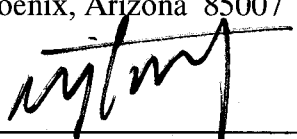
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Phoenix, Arizona 85007


Douglas C. Fitzpatrick

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKET NO. W-04254A-11-0323

CONSENT TO WITHDRAW

Respondent.

DATED this 4th day of JANUARY, 2012.

BY Patricia Olsen
Patricia Olsen
Managing Member

Douglas C. Fitzpatrick
49 Bell Rock Plaza
Sedona, Arizona 86351
(928) 284-2190
Bar ID #005152
fitzlaw@sedona.net
Attorney for Montezuma
Rimrock Water Company, LLC

BEFORE THE ARIZONA CORPORATION COMMISSION

JOHN E. DOUGHERTY,)	DOCKET NO. W-04254A-11-0323
)	
Complainant,)	ORDER
)	
-vs-)	
)	
MONTEZUMA RIMROCK WATER)	
COMPANY, LLC,)	
)	
Respondent.)	

PURSUANT TO counsel's Motion to Withdraw and good cause appearing,

IT IS ORDERED granting said motion and allowing Douglas C. Fitzpatrick to withdraw
as counsel for Montezuma Rimrock Water Company, LLC.

IT IS FURTHER ORDERED, pursuant to *ARCP 5.1[a][2][A]*, that counsel shall give
prompt notice of the entry of this order along with the name and address of his client to all other
parties or their attorneys.

DONE IN OPEN COURT this ____ day of January, 2012.

Judge Sarah Harpring